

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

REMBRANDT DATA TECHNOLOGIES, LP

Plaintiff,

v.

AOL LLC, et. al.

Defendants.

C.A. No. 1:08-cv-01009-GBL-IDD

**REMBRANDT'S ANSWER TO CAVALIER'S COUNTERCLAIMS**

Plaintiff, Rembrandt Data Technologies, LP (“Rembrandt”), by counsel, hereby responds to Cavalier Telephone LLC’s Counter-Claims in this action as follows:

**Parties**

1. Rembrandt admits the allegations of this paragraph.
2. Rembrandt admits the allegations of this paragraph.

**Jurisdiction and Venue**

3. Rembrandt only admits that this action purports to be an action for declaratory judgment under 28 U.S.C. §§ 2201 et seq. and that the Court has subject matter jurisdiction over these Counter-Claims under 28 U.S.C. §§ 1331, 1338(a), and 2201.
4. Rembrandt admits the allegations of this paragraph.
5. Rembrandt admits that venue is proper under 28 U.S.C. §§ 1391.

**Count I: Declaration of Non-infringement of U.S. Patent No. 5,602,869**

6. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-5 of these Counterclaims.
7. Rembrandt admits the allegations of this paragraph.

8. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the infringement of the '869 Patent by Cavalier.
9. Rembrandt denies the allegations of this paragraph.

**Count II: Declaration of Non-infringement of U.S. Patent No. 5,251,236**

10. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-5 of these Counterclaims.
11. Rembrandt admits the allegations of this paragraph.
12. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the infringement of the '236 Patent by Cavalier.
13. Rembrandt denies the allegations of this paragraph.

**Count III: Declaration of Non-infringement of U.S. Patent No. 5,311,578**

14. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-5 of these Counterclaims.
15. Rembrandt admits the allegations of this paragraph.
16. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the infringement of the '578 Patent by Cavalier.
17. Rembrandt denies the allegations of this paragraph.

**Count IV: Declaration of Non-infringement of U.S. Patent No. 5,844,944**

18. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-5 of these Counterclaims.
19. Rembrandt admits the allegations of this paragraph.
20. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the infringement of the '944 Patent by Cavalier.

21. Rembrandt denies the allegations of this paragraph.

**Count V: Declaration of Invalidity of U.S. Patent No. 5,602,869**

22. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-9 of these Counterclaims.
23. Rembrandt admits the allegations of this paragraph
24. Rembrandt denies the allegations of this paragraph
25. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the validity of the '869 Patent.
26. Rembrandt denies the allegations of this paragraph.

**Count VI: Declaration of Invalidity of U.S. Patent No. 5,251,236**

27. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-5 and 10-13 of these Counterclaims.
28. Rembrandt admits the allegations of this paragraph
29. Rembrandt denies the allegations of this paragraph
30. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the validity of the '236 Patent.
31. Rembrandt denies the allegations of this paragraph.

**Count VII: Declaration of Invalidity of U.S. Patent No. 5,311,578**

32. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-5 and 14-17 of these Counterclaims.
33. Rembrandt admits the allegations of this paragraph
34. Rembrandt denies the allegations of this paragraph

35. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the validity of the '578 Patent.
36. Rembrandt denies the allegations of this paragraph.

**Count VIII: Declaration of Invalidity of U.S. Patent No. 5,844,944**

37. Rembrandt re-alleges and incorporates herein by reference the responses to the allegations stated in paragraphs 1-5 and 18-21 of these Counterclaims.
38. Rembrandt admits the allegations of this paragraph
39. Rembrandt denies the allegations of this paragraph
40. Rembrandt admits that a case or controversy exists between Rembrandt and Cavalier concerning the validity of the '578 Patent.
41. Rembrandt denies the allegations of this paragraph.

**Prayer For Relief**

WHEREFORE, Plaintiff and Counter-Defendant, Rembrandt prays that Cavalier's Counterclaims be dismissed with prejudice, that Cavalier take nothing by reason of its Counterclaims, that Rembrandt be awarded the relief sought in its Complaint, its attorneys' fees, costs and expenses in this action, and that the Court grant Rembrandt such other and further relief as the Court may deem just and proper.

Date: December 10, 2008

Respectfully Submitted,

/s/  
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Virginia W. Hoptman (VSB # 65565)  
Womble Carlyle Sandridge & Rice, PLLC  
8065 Leesburg Pike, Fourth Floor  
Vienna, VA 22182  
Telephone: (703)790-3310  
Facsimile: (703) 790-2623  
Email: [vhoptman@wCSR.com](mailto:vhoptman@wCSR.com)

George Pazuniak (DE Bar No. 478)  
Womble Carlyle Sandridge & Rice, PLLC  
222 Delaware Avenue, Suite 1501  
Wilmington, Delaware 19801  
Telephone: (302) 252-4320  
Facsimile: (302) 252-4330  
Email: [gpazuniak@wCSR.com](mailto:gpazuniak@wCSR.com)

Timothy G. Barber (NC Bar No. 12851)  
Womble Carlyle Sandridge & Rice, PLLC  
One Wachovia Center  
301 South College Street, Suite 3500  
Charlotte, NC 28202-6037  
Telephone: (704)331-4900  
Facsimile: (704) 338-7839  
Email: [tbarger@wCSR.com](mailto:tbarger@wCSR.com)

*Attorneys for Plaintiff Rembrandt Data  
Technologies, LP*

**CERTIFICATE OF SERVICE**

I, Virginia W. Hoptman of Womble Carlyle Sandridge & Rice, PLLC, hereby certify that on December 10, 2008, I caused to have a copy of the foregoing *Answer to Cavalier's Counterclaims* to be served via email on the following:

Alan Lee Whitehurst  
Tom Davison  
Patrick John Flinn  
Alston & Bird LLP  
950 F St NW  
Washington, DC 20004-1404  
(202) 756-3300  
Fax : (202)756-3333  
Email: AOL-Rembrandt@aolston.com  
Counsel for AOL LLC

Charles R. Bruton  
Scott Lloyd Smith  
Buchanan Ingersoll & Rooney, PC  
1737 King Street, Suite 500  
Alexandria, VA 223 14-2727  
Tel: (703) 836-6620  
Fax: (703) 836-2021  
Email: charles.bruton@bipc.com  
lloyd.smith@bipc.com  
Counsel for Defendant  
Cavalier Telephone, LLC

Brian Andrea  
Mark L. Whitaker  
Michael J. Bell  
Howrey LLP  
1299 Pennsylvania Ave NW  
Washington, DC 20004  
Email: andreab@howrey.com  
WhitakerMark@howrey.com  
BellM@howrey.com  
Counsel for The Brink's Company  
and Brink's Home Security, Inc.

Craig Crandall Reilly  
Law Office of Craig C. Reilly  
111 Oronoco Street  
Alexandria, VA 22314  
(703) 549-5354  
Fax: (703) 549-2604  
Email: craig.reilly@ccreillylaw.com  
Counsel for DIRECTV, Inc.

David M. Young  
Scott L. Robertson  
Jennifer A. Albert  
Robert D. Spendlove  
J. Anthony Downs  
Lana S. Shiferman  
Goodwin Procter LLP  
901 New York Avenue, N.W.  
Washington, D.C. 20001  
Phone: (202) 346-4000  
Fax: (202) 346-4444  
Email:  
HPRembrandt@goodwinprocter.com  
Counsel for Hewlett-Packard Company

Michael Harry Jacobs  
Clyde Elbert Findley  
William Jonathan Sauers  
Michael J. Songer  
Crowell & Moring LLP  
1001 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
(202) 624-2500  
Fax: (202) 628-5116  
Email: mjacobs@crowell.com  
cfindley@crowell.com  
wsauers@crowell.com  
msonger@crowell.com  
Counsel for Defendants Canon U.S.A.,  
Inc., Canon Business Solutions, Inc., and  
Canon Information Technology Services,  
Inc.

Hannah Lim  
Tyco International  
9 Roszel Road  
Princeton, NJ 08540  
(609) 720-4624  
Fax: (609) 720-4319  
Email: [hlim@tyco.com](mailto:hlim@tyco.com)  
Counsel for ADT Security Services, Inc.

Alex Pilmer  
Giam Nguyen  
Kirkland & Ellis LLP  
777 S. Figueroa St., Suite 3700  
Los Angeles, CA 90017  
213.680.8405  
Email: [Directv\\_Rembrandt\\_OC@kirkland.com](mailto:Directv_Rembrandt_OC@kirkland.com)  
Counsel for DIRECTV, Inc.

William B. Porter  
Blankingship & Keith, P.C.  
4020 University Drive, Suite 300  
Fairfax, VA 22030  
(703) 691-1235  
(703) 691-3913  
[jkeith@blankeith.com](mailto:jkeith@blankeith.com)  
[wporter@blankeith.com](mailto:wporter@blankeith.com)  
[dortiz@blankeith.com](mailto:dortiz@blankeith.com)  
[mark.levine@bartlit-beck.com](mailto:mark.levine@bartlit-beck.com)  
[glen.summers@bartlit-beck.com](mailto:glen.summers@bartlit-beck.com)  
[sean.grimsley@bartlit-beck.com](mailto:sean.grimsley@bartlit-beck.com)  
[katherine.minari@bartlit-beck.com](mailto:katherine.minari@bartlit-beck.com)  
[jodi.loper@bartlit-beck.com](mailto:jodi.loper@bartlit-beck.com)

/s/

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Virginia W. Hoptman (VSB # 65565)  
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
8065 Leesburg Pike, Fourth Floor  
Vienna, VA 22182  
Telephone: (703) 790-3310  
Facsimile: (703) 790-2623  
Email: [vhoptman@wcsr.com](mailto:vhoptman@wcsr.com)

Attorneys for Plaintiff *Rembrandt Data Technologies, LP*